

### **Election with Traverse**

Applicants elect Group II, identified by the Examiner as encompassing Claim 50. However, Applicants respectfully traverse the election/restrictions requirement. The Examiner's Restriction Requirement is deficient for several reasons. For example, the M.P.E.P. states:

Where the inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, **must explain why** there would be a **serious burden** on the examiner if restriction is not required. Thus the examiner **must show** by appropriate explanation one of the following:

(A) Separate classification thereof: This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) A separate status in the art when they are classifiable together: Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

Where, however, **the classification is the same** and **the field of search is the same** and there is no clear indication of separate future classification and field of search, **no reasons exist** for dividing among independent or related inventions.

*See* M.P.E.P. 808.02 (emphasis added).

The Examiner alleges that “there would be a serious search and examination burden if restriction were not required,” but the Examiner **fails** to (1) “explain **why** there would be a serious burden on the examiner” without the restriction, as required by the M.P.E.P. *See id.* (emphasis added). The M.P.E.P. is clear: the Examiner “must show by appropriate explanation” that the inventions have either (1) a separate classification, (2) a separate status in the art when classifiable together, or (3) a different field of search. But instead of

providing an “appropriate explanation,” the Examiner merely cites a generic laundry-list of alleged “reasons” without explaining why any of them apply to this case. Indeed, the Examiner cites “reasons” that plainly have no application to this case. For example, one of the Examiner’s cited “reasons” is that the inventions have allegedly “acquired a separate status in the art in view of their different classification,” but the Examiner’s own Restriction Requirement confirms that the alleged inventions are classified identically—in “class 705, subclass 35.” *Restriction Requirement*, p. 2. The Examiner also cites other “reasons,” without any explanation, none of which appear to have any relationship to Applicants’ Claims. Accordingly, the Examiner has failed to “explain why there would be a serious burden . . . if restriction is not required.” As a result, the Examiner’s election requirement is improper.

Additionally, Applicants respectfully note that MPEP § 803 provides that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants note that there are only three claims pending in the present application. Those claims share numerous elements, and it is highly likely that the Examiner could examine any claims within any of the identified species using the same search and the same group of resulting art references. Because, as shown above, the Examiner has failed to explain why the examination of these three claims imposes a “serious burden,” the Examiner’s election requirement is improper.

Further, Applicants note that they retain all of the claims to the non-elected inventions with respect to all elections made in this case pursuant to MPEP § 809.04.

**In the Claims:**

1.-14. (Canceled)

15. (Withdrawn) The method of claim 14, further comprising allowing the spouse to receive a spousal Social Security benefit when the primary beneficiary reaches a full retirement age.

16. (Withdrawn) The method of claim 14, further comprising allowing the spouse to receive a spousal Social Security benefit when the spouse and the primary beneficiary reaches a full retirement age.

17. (Withdrawn) The method of claim 13, further comprising:  
allowing the spouse to receive the spouse's own Social Security income when the spouse reaches a full retirement age;  
deferring Social Security income for the primary beneficiary from when the primary beneficiary retires until a delayed receipt age;  
providing income from the bridge product form when the primary beneficiary retires until the delayed receipt age; and  
exhausting income from the bridge product and allowing the primary beneficiary to receive deferred Social Security income from when the primary beneficiary reaches the delayed receipt age.

18. (Withdrawn) The method of claim 17, further comprising allowing the spouse to receive a spousal Social Security benefit when the primary beneficiary reaches a full retirement age.

19.-28. (Canceled)

29. (Withdrawn) A method for maximizing retirement income for a married client comprising:

providing the client with a bridge product providing income from a primary beneficiary's retirement date until a delayed Social Security receipt age;

allowing the spouse to collect the spouse's own Social Security income from when the spouse retires;

deferring Social Security income for the primary beneficiary from when the primary beneficiary retires until the delayed Social Security receipt age;

providing income from the bridge product from when the primary beneficiary retires until the delayed Social Security receipt age; and

exhausting income from the bridge product and allowing the primary beneficiary to receive deferred Social Security income when the primary beneficiary reaches the delayed Social Security receipt age.

30. (Withdrawn) The method of claim 29, further comprising allowing the spouse to collect a spousal Social Security benefit when the primary beneficiary reaches a full retirement age.

31. (Withdrawn) The method of claim 29, further comprising allowing the spouse to collect a spousal Social Security benefit when the spouse and the primary beneficiary reaches a full retirement age.

32. (Withdrawn) The method of claim 29, further comprising providing income from the bridge product prior to the primary beneficiary's retirement.

33. (Withdrawn) A method for maximizing retirement income for a married client comprising:

providing the client with a bridge product providing income from a primary beneficiary's retirement date until a delayed Social Security receipt age;

allowing the spouse to collect the spouse's own Social Security income from when the spouse reaches a full retirement age;

deferring Social Security income for the primary beneficiary from when the primary beneficiary retires until a delayed receipt age;

providing income from the bridge product from when the primary beneficiary retires until the delayed receipt age; and

exhausting income from the bridge product and allowing the primary beneficiary to receive deferred Social Security income when the primary beneficiary reaches the delayed receipt age.

34. (Withdrawn) The method of claim 33, further comprising allowing the spouse to receive a spousal Social Security benefit when the primary beneficiary reaches a full retirement age.

35. (Withdrawn) The method of claim 33, further comprising providing income from the bridge product prior to the primary beneficiary's retirement.

36. - 47. (Canceled)

48. (Previously Presented) A financial planning system for calculating income streams for a married client, comprising:

one or more computer systems; and

a financial planning application embodied on a computer readable medium and operable, when executed by the one or more computer systems, to:

receive information about the married client;

calculate a projected retirement income for the married client in a bridge scenario, the projected retirement income in the bridge scenario including income from a bridge annuity beginning at an expected retirement age and ending at a deferred social security age and income from deferred Social Security beginning at the deferred social security age;

calculate a projected retirement income for the married client using an alternative funding approach; and

compare the calculated projected retirement income for the married client in the bridge scenario to the projected retirement income for the married client using the alternative funding approach.

49. (Previously Presented) The financial planning system of Claim 38, wherein:

the married client comprises a primary beneficiary and a spouse; and

the bridge scenario includes:

income from a primary bridge annuity beginning at an expected retirement age for the primary beneficiary and ending at a deferred Social Security age for the primary beneficiary;

income from deferred Social Security for the primary beneficiary beginning at the deferred Social Security age for the primary beneficiary;

income from a spousal bridge annuity beginning at an expected retirement age for the spouse and ending at a deferred Social Security age for the spouse; and

income from deferred Social Security for the spouse beginning at the deferred Social Security age for the spouse.

50. (Previously Presented) A financial planning system for calculating income streams for a husband and a wife, comprising:

one or more computer systems; and

a financial planning application embodied on a computer readable medium and operable, when executed by the one or more computer systems, to:

receive information about the husband, including the husband's age or birthdate;

receive information about the wife, including the wife's age or birthdate;

calculate a projected retirement income for the husband and the wife in a bridge scenario, the projected retirement income in the bridge scenario including an estimate of yearly inflation-adjusted after-tax income from:

a bridge annuity for the husband beginning at an expected retirement age for the husband ending at a deferred Social Security age for the husband;

deferred Social Security for the husband beginning at the deferred Social Security age for the husband;

a bridge annuity for the wife beginning at an expected retirement age for the wife and ending at a deferred Social Security age for the wife; and

deferred Social Security for the wife beginning at the deferred Social Security age for the wife;

calculate a projected retirement income for the husband and the wife using an alternative funding approach;

compare the calculated projected retirement income for the husband and the wife in the bridge scenario to the projected retirement income for the husband and the wife using the alternative funding approach.

**Conclusion**

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of all pending claims.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact their attorney at the number provided below.

Although Applicants believe no fee is due, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants



Russell J. Crain  
Reg. No. 60,657  
(214) 953-6803

Date: 8/10/09

CORRESPONDENCE ADDRESS:

Customer No.

**05073**